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By: Marcus N. Vell

Date: Dec 6, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Vincenzo Scotto Di Carlo et al.
Applic. No. : 09/538,792
Filed : March 30, 2000
Title : Method for Giving Notification of a Message to a Subscriber
Examiner : Joseph T. Phan
Group Art Unit : 2645

S U P P L E M E N T A L R E S P O N S E

S i r :

Responsive to the non-final Office action dated May 23, 2002, and supplemental to the amendment forwarded to the Patent Office on October 23, 2002, the following remarks are made.

Reconsideration and allowance of claims 1-12 are solicited.

Claims 1-12 remain in the application.

In item 3 on page 3 of the Office action dated May 23, 2002, claims 1-12 have been rejected as being anticipated by *Smith et al.* (US 6,333,973) under 35 U.S.C. § 102.

Enclosed is a declaration under 37 CFR 1.131 by the two Inventors - Vincenzo Scotto Di Carlo and Egon Schulz - of the invention of the above-identified application, declaring that the present invention was "reduced to practice" before April 23, 1997. Enclosed, as corroborating evidence is the Invention Declaration/Disclosure (*Erfindungsmeldung*) signed by the Inventors and dated April 24, 1997.

The applied reference *Smith et al.* (US 6,333,973) has a prior art date (according to 35 U.S.C. § 102(e)) of April 23, 1997, i.e. one day earlier than the signature date of the Declaration/Disclosure. Since the enclosed declaration only "swears back" two days beyond the date of the enclosed Declaration/Disclosure, it is believed that no additional corroborating evidence in addition to the Declaration/Disclosure is required. Consequently, it is believed that *Smith et al.* will not be available as prior art against the instant application.

In view of the foregoing, reconsideration and allowance of claims 1-12 are solicited.

Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,


For Applicants

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December 5, 2002

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